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Message Text

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ACTION AF-08

INFO OCT-01 ISO-00 ONY-00 ES-01 /010 W
----------091929Z 113826 /40 R
P R 091530Z FEB 77
FM AMEMBASSY BISSAU
TO SECSTATE WASHDC PRIORITY 0224
INFO AMEMBASSY LIBREVILLE
AMEMBASSY LISBON
AMEMBASSY MAPUTO

C O N F I D E N T I A L BISSAU 0066

E.O. 11652: GDS
TAGS: SHUM, PU
SUBJ: HUMAN RIGHTS IN DEVELOPMENT ASSISTANCE RECIPIENT
COUNTRIES: GUINEA-BISSAU

REF: STATE 014518 (NOTAL)

SUMMARY: ORIGIN OF GOGB AS CLANDESTINE STATE OPERATING AS ARMY OF LIBERATION WHOSE PRINCIPAL GOAL WAS EXPULSION OF PORTUGUESE STILL HAS IMPORTANT RESIDUAL EFFECT IN SOMETIMES OVERZEALOUS ACTIONS OF STATE SECURITY APPARATUS IN THE PURSUIT OF NATIONAL UNITY. THOUGH A GREAT ARRAY OF HUMAN RIGHTS ARE OFFICIALLY GUARANTEED IN GUINEA-BISSAU, REALITY IS SHORT OF THIS IDEAL. CONSTITUTIONAL GUARANTEES ARE SUBJECT TO CERTAIN POLITICAL CONDITIONS WHICH HAVE RESULTED IN A NUMBER OF POLITICAL ARRESTS AND DETENTION. THERE IS NO EVIDENCE TO SUGGEST HOWEVER CRUEL OR INHUMANE TREATMENT OF THESE POLITICAL PRISONERS. END SUMMARY.

1. POLITICAL SITUATION: UNDER CONSTITUTION, NATIONAL ASSEMBLY IS SUPREME ORGAN OF STATE POWER. CURRENTLY SITTING ASSEMBLY ELECTED BY INDIRECT SUFFRANGE IN 1973 BEFORE PORTUGUESE RECOGNITION OF INDEPENDENCE. MAJOR CITIES WHICH IN 1973 STILL CONTROLLED BY PORTUGAL ARE RE-
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PRESENTED BY PAIGC APPOINTEES. TERM OF CURRENT ASSEMBLY HAS EXPIRED AND ELECTORAL PROCESS NOW IN PROGRESS FOR SECOND NATIONAL ASSEMBLY. SINGLE PARTY LISTS, DRAWN UP BY PAIGC HEADQUARTERS IN BISSAU, WERE PRESENTED IN DECEMBER TO VOTERS OF COUNTRY'S THIRTY-SEVEN SECTORS FOR APPROVAL OR DISAPPROVAL AS MEMBERS OF REGIONAL COUNCILS. THIRTY-FOUR SECTORS APPROVED LISTS, THREE REJECTED THEM. NATIONALLY,

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YES VOTES ACCOUNTED FOR EIGHTY-ONE PERCENT OF TOTAL.
ABSTENTION RATE WAS MODERATE. NEW LISTS WILL BE PRESENTED
BY END THIS MONTH FOR VOTER REACTION IN THESE THREE SECTORS
VOTING NO IN DECEMBER. THUS ELECTED REGIONAL COUNCILS MUST
THEN APPROVE BY TWO-THIRDS MAJORITY PAIGC SELECTED
CANDIDATES FOR DEPUTIES TO NATIONAL ASSEMBLY. ELECTORAL
PROCESS FOR SUPREME ORGAN, THOUGH ALLOWING SOME OPPORTUNITY
FOR EXPRESSION NEGATIVE POPULAR OPINION, SUFFICIENTLY UNDER
CONTROL PAIGC LEADERSHIP TO GUARANTEE RUBBER STAMP ASSEMBLY.
OPPOSITON PARTIES ARE ILLEGAL. SEVERAL GROUPS HAVE BEEN
FORMED HOWEVER TO OPPOSE PAIGC FROM EXILE BUT ALTHOUGH
THEIR ANTI-CAPE VERDEAN AND ANTI-SOVIET POLICIES APPEAL TO
SIGNIFICANT NUMBERS OF EDUCATED BISSAUNS, THEY HAVE
NO REAL POLITICAL IMPACT HERE. THOSE POLITICAL MOVEMENTS
ESTABLISHED DURING PORTUGUESE RULE (E.G. ACCAO NACIONAL)
AND THE GUINEAN DEMOCRATIC MOVEMENT (MDG) FORMED BY BISSAUNS
TO OPPOSE PAIGC DURING PERIOD BETWEEN APRIL 1974 AND ARRIVAL
OF PAIGC IN BISSAU IN SEPTEMBER 1974 HAVE BEEN SUPPRESSED
AND THEIR LEADERSHIP JAILED. REAL POWER RESTS IN HANDS FEW
MEMBERS TOP PARTY LEADERSHIP IN GUINEA-BISSAU WHO TAKE COLL-
EGIAL DECISIONS BUT NOT WITHOUT CONSIDERABLE DEBATE.
PRESIDENT IS NOR MORE THAN "PRIMUS INTER PARES".

2. LEVAL SITUATION: CONSTITUTION GUARANTEES FOLLOWING
RIGHTS: EQUALITY BEFORE LAW WITHOUT REGARD TO ETHNIC GROUP,
SEX, SOCIAL ORIGIN, CULTURAL LEVEL, PROFESSION, PROPERTY,
RELIGIOUS BELIEF OR PHILOSOPHILCAL CONVICTION; FREEDOM
OF OPINION, WORSHIP, ASSEMBLY, ASSOCIATION AND DEMONSTRA-
TION; FREEDOM FROM DETENTION, ARREST, OR SENTENCE BASED ON
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EX POST FACTO LEGISLATION; LEGAL DEFENSE FOR CHARGED OR
INDICTED PERSONS; INVIOLABILITY OF DOMICILE AND SECRECY OF
CORRESPONDENCE. ALL ABOVE RIGHTS AND FREEDOMS ARE SUBJECT,
HOWEVER, TO ARTICLE 22 CONDITION QUOTE PERSONS WHOSE ACTS
OR CONDUCT ARE DETRIMENTAL TO THE UNITY OF THE PEOPLE
OF GUINEA-BISSAU OR CAPE VERDE OR WHO PROMOTE COLONIALISM,
IMPERIALISM, RACISM OR TRIBALISM SHALL BE DENIED THE
POLITICAL RIGHTS AND FUNDAMENTAL FREEDOMS OF CITIZENS
UNQUOTE. INDEPENDENCE OF JUDICIAL SYSTEM NOT GUARANTEED IN
CONSTITUTION. SYSTEM OF MILITARY TRIBUNALS WITH SUMMARY
POWERS ESTABLISHED DURING GUERRILLA WAR GIVING WAY TO LOCAL
POPULAR TRIBUNALS AND EXISTING CIVIL AND CRIMINAL COUNT
STRUCTURE INHERITED FROM PORTUGUESE. WHOLE JUDICIAL
SYSTEM UNDERGOING FUNDAMENTAL REVISION WITH EAST GERMAN
TECHNICAL ASSISTANCE.

3. POLITICAL PRISONERS, NUMBER OF POLITICAL PRISONERS IS NOT
LARGE AND HAS RECENTLY DECREASED SUBSTANTIALLY WITH RELEASE
MOST FORMER LEADERS MDG AND ACCAO NACIONAL. IN ACCOR-

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DANCE ARTICLE 22 OF CONSTITUTION, THESE PRISONERS WERE
DEPRIVED OF THEIR RIGHTS AND WERE NEVER FORMALLY CHARGED OR
TRIED. ONE FORMER ACCAO NACIONAL DEPUTY HAS REPORTED TO
EMBOFF THAT HE WAS NOT MISTREATED DURING HIS TWO YEARS
IN DETENTION AND DID NOT KNOW OF OTHERS WHO HAD BEEN.
SEVERAL PROMINENT BISSAUNS REMAIN IN DETENTION (SUCH AS
RAFAEL BARBOSA, CO-FOUNDER OF PAIGC AND IMPLICATED IN
AMILCAR CABRAL ASSASSINATION) FOR ANTI PAIGC ACTIVITY
BUT EMBASSY HAS BEEN TOLD TWELVE OF THESE, WHO ARE MOST
IMPORTANT OF POLITICAL DETAINEES, WILL BE GIVEN PUBLIC
TRIALS. TRIAL OF RAFAEL BARBOSA BEGAN LAST DECEMBER
BUT WAS SUSPENDED BY PARTY ORDER AS IT WAS CAUSING TOO MUCH
OF A STIR DURING ELECTIONS. BARBOSA HAD BENEFIT OF COUNSEL
AND COURT SESSIONS WERE OPEN TO PUBLIC.

4. HUMAN RIGHTS ATTITUDES: FOR ORIDINARY CITIZENS, GOGB
ADHERES TO OFFICIAL CONSTITUTIONAL GUARANTEES. POLITICAL OPP-
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OSITION HOWEVER IS QUICKLY DEALT WITH OUTSIDE THE
CONSTITUTION BUT, APPARENTLY, NOT BRUTALLY NOR IN DISREGARD
OF BASIC PRINCIPLES OF HUMANE TREATMENT. SLAVERY AND
SERVITUDE ARE PROHIBITED AND CRUEL AND UNUSUAL PUNISH-
MENT APPEARS NOT TO EXIST. PRIVATE PROPERTY, THOUGH NOT
GUARANTEED IN CONSTITUTION, IS TOLERATED IF IN LOCAL HANDS.
MOST SUBSTANTIAL FOREIGN HOLDINGS HERE HAVE BEEN NATIONALIZED.
THERE IS NO RELIGIOUS DISCRIMINATION AND FREEDOM OF EX-
PRESSION IS RESPECTED THOUGH LIMITED AS ALL MEDIA ARE GOV-
ERNMENT CONTROLLED. MILD CRITICISM OF PAIGC IS FREQUENTLY
HEARD AND APPARENTLY TOLERATED.

5. EMBASSY IS AWARE OF NO OTHER HUMAN RIGHTS REPORTING.

6. COMMENT: AS
PERCEIVED THREAT TO STATE SECURITY FROM
POLITICAL OPPOSITION DECREASES, AS IT APPEARS TO BE, THEN
RESPECT FOR HUMAN RIGHTS AS OUTLINED IN CONSTITUTION WILL
INCREASE AND GUINEA-BISSAU'S FAIRLY GOOD HUMAN RIGHTS
RECORD, BY AFRICAN STANDARDS, CAN BE EXPECTED TO IMPROVE.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, HUMAN RIGHTS, POLITICAL SITUATION, DEVELOPMENT FINANCE
Control Number: n/a
Copy: SINGLE
Sent Date: 09-Feb-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BISSAU00066
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770046-0873
Format: TEL
From: BISSAU
Handling Restrictions:
Image Path:
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Legacy Key: link1977/newtext/t19770260/aaaacaww.tel
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Litigation History:
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Office: ACTION AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: ONLY
Reference: 77 STATE 14518
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3373146
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS IN DEVELOPMENT ASSISTANCE RECIPIENT COUNTRIES: GUINEA-BISSAU
TAGS: SHUM, EAID, PU
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/f3a1acc9-c288-dd11-92da-001cc4696bcc
Review Markings:
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US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009